

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GAN H. ENG, TAN F. LAM, KWOK C.
TANG, JUN Q. CHAN, KAM C. HO,
XIAO Z. ZHANG, YAT C. CHAN, MING
HO, RONG J. CHEN, JIAN Z. LUO, LE
Y. CHEN, JIAN B. YAN, SU C. JIANG,
XIU H. JIANG, XIU LIN, TAK S.
CHENG, SHU C. HUANG, MEI J.
HUANG, and OY K. KWAN,

ECF Case

1:07-CV-03909 (MGC)

Plaintiffs,

– against –

THE NICE RESTAURANT, INC., BEN
H. TOM, MEE MEE TOM a.k.a. MEE
MEE M. THOM a.k.a. MEE MEE MEI,
YAN SHING CHAN, CHEUNG YONG,
SHING SI SUN, SHEN PING CHU,
JOHN TAM, SI KIT WU, SI HUNG WU,
CHUI BAI TAM, and JIMMY MOY a.k.a.
JIMMY MUI a.k.a. JIMMY MEI,

Defendants.

**DECLARATION OF KENNETH KIMERLING IN SUPPORT OF MOTIONS
FOR (1) EXTENSION OF TIME FOR SERVICE OF SUMMONS AND
COMPLAINT; AND (2) SERVICE BY PUBLICATION**

Kenneth Kimerling, hereby declares:

1. I am an attorney for plaintiffs and submit this declaration in support of plaintiffs' motion to extend their time to serve the summons and complaint and for service by publication.
2. In support of their motion plaintiffs have submitted declarations of three of the plaintiffs attesting to the attempts to locate and serve defendants Mee Mee Tom

(“Tom”) and Yan Shing Chan (“Chan”). Plaintiffs have also submitted a memorandum of law.

3. As alleged in the Complaint, defendant Mee Mee Tom was a major shareholder of the defendant Nice Restaurant, and one of its were managers. Defendant Ben Tom has filed a counterclaim against her. Defendant Chan was also a shareholder and the General Manager of the Restaurant.
4. Defendant Ben Tom is the only defendant who has appeared and answered the Complaint. He has consented to this application.
5. In order for this Court to fairly resolve plaintiffs’ claims and fully resolve this matter without the expenditure of unnecessary judicial resources, this Court should grant plaintiffs’ motions. If the plaintiffs’ motion to extend time to serve these defendants is denied, plaintiffs will withdraw their claims against these two defendants and file a new action against them.

I DECLARE UNDER PENALTY OF PERJURY THE FOREGOING IS TRUE AND CORRECT.

Dated: August 14, 2008

____s/_____
Kenneth Kimerling